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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,329	08/02/2001	Victor Kouznetsov	NA11P278/01.017.01	7400

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/922,329	Applicant(s) KOUZNETSOV ET AL.	
	Examiner Minh Dieu Nguyen	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 5 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending.

Information Disclosure Statement

2. The patent applications listed in the information disclosure statement filed December 11, 2003 have been considered.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-2, 4, 6-7, 9, 10-11, 13, 15-16 and 18 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6 and 8 of copending Application No. 09/921521. Although the conflicting claims are not identical, they are not patentably distinct from each other because they discuss about the same subject matter which digital certificate/signature is used to

Art Unit: 2137

determine if the information is coming from the remote server and the providing server is trusted. The only difference between the two are:

A digital certificate of the response from responding server is verified to ensure that the responding server is trusted.

While another claim recites a digital signature of the received packet from the responding server is verified to ensure that the packet is from the server.

These differences are obvious to one of ordinary skill in the art to use digital certificate/signature to ensure authentication and file integrity.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 6, 8, 10-11, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900) and further in view of Fanning et al. (6,742,023).

a) As to claims 1 and 10, Abdelnur discloses a method and apparatus for sharing resources in a peer-to-peer network environment (col. 1, line 65 to col. 2, line 9)

Art Unit: 2137

comprising broadcasting a request over the network by a requesting peer for a task with respect to a remote non-local backend server (col. 8, lines 40-42; Fig. 5, element 510); receiving a response to the request from the service-providing server (Fig. 5, element 535).

Abdelnur does not disclose verifying a digital certificate of the response issued by the remote non-local backend server indicating that the responding service-providing server is trusted for the requested task.

Vogel discloses a system for supporting secure network connections using certificates comprising verifying a digital certificate issued by the remote non-local backend server indicating that the responding service-providing server is trusted for the requested task (col. 4, lines 10-15; i.e. prior to sending information to a requesting server, Internet browsers verify whether that server is a trusted server. A server is a trusted server when a certificate sent from that server is verified by the receiving client).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of verifying a digital certificate certificate issued by the remote non-local backend server indicating that the responding service-providing server is trusted for the requested task in the system of Abdelnur as Vogel teaches so as to ensure the information are safe for use and come from a trusted source.

Vogel discloses if verifying is successful, a secure connection between client and server is established for sending information and he also discloses a server identified by its URL (col. 10, line 66 to col. 11, line 6). However, Abdelnur and Vogel do not disclose

Art Unit: 2137

forwarding the task to the responding peer for performance of the task by the responding server.

Fanning discloses a method for secure distribution of data files between users in a peer-to-peer network comprising forwarding the task to the responding peer for performance of the task by the responding server (Fig. 4, col. 12, lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of forwarding the task to the responding peer for performance of the task by the responding server in the system of Abdelnur and Vogel as Fanning teaches so as to make available the data file to other users.

b) As to claims 2 and 11, the examiner takes official notice that use of digital certificate is a 1024 bit VeriSign digital certificate is well known to one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of 1024 bit VeriSign digital certificate in the system of Abdelnur, Vogel and Fanning so as to achieve higher security and file integrity.

c) As to claims 6 and 15, Fanning discloses broadcasting a message indicating that the requesting peer has located the responding service-providing server (col. 12, lines 8-13; where downloading from the server would necessitate the reception of a message that the requestor has located the responding server).

d) As to claims 8 and 17, Abdelnur discloses the request specifies a post method (col. 4, lines 32-35).

7. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900) in view of Fanning et al. (6,742,023) and further in view of Christensen et al. (2002/0169842).

Abdelnur, Vogel and Fanning do not disclose the step of verifying verifies that the local alias URL is approved by the non-local backend server for the requested task.

Christensen discloses a method and system for allowing networks of integration framework installations and other compatible server to interoperate comprising the step of verifying verifies that the local alias URL is approved by the non-local backend server for the requested task (Fig. 2; page 8, paragraph [0116]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of verifying the local alias URL is approved by the non-local backend server for the requested task in the system of Abdelnur, Vogel and Fanning as Christensen teaches so as to effectively authenticate the server.

8. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900) in view of Fanning et al. (6,742,023) and further in view of Ritter (2004/0199474).

Abdelnur, Vogel and Fanning do not disclose the step of placing the responding server in a black list if the verifying is unsuccessful.

Ritter discloses placing the responding server in a black list if the verifying is unsuccessful (page 5, paragraph [0061]; page 6, paragraph [0074]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of placing the responding server in a black list if the verifying is unsuccessful in the system of Abdelnur, Vogel and Fanning as Ritter teaches so as to effectively maintain the security of communication system to avoid the invalid servers.

9. Claims 7, 9, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdelnur et al. (6,789,204) in view of Vogel et al. (6,816,900) in view of Fanning et al. (6,742,023) and further in view of Tsai (2005/0015721).

a) As to claims 7 and 16, Abdelnur, Vogel and Fanning do not disclose receiving the local alias URL from the responding peer, the local alias URL pointing to a destination on a responding server node.

Tsai discloses receiving the local alias URL from the responding peer and the local alias URL pointing to a destination on a responding server node (paragraph [0027]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of receiving the local alias URL from the responding peer, the local alias URL pointing to a destination on a responding server node in the system of Abdelnur, Vogel and Fanning as Tsai teaches so as to efficiently facilitate distribution of data.

b) As to claims 9 and 18, Abdelnur, Vogel and Fanning do not disclose the task is an uploading task and the step of forwarding the task to the local alias URL includes forwarding a file to be uploaded to the remote non-local backend server.

Tsai discloses the task is an uploading task (Fig. 2) and the step of forwarding the task to the local alias URL includes forwarding a file to be uploaded to the remote non-local backend server (paragraphs [0029-0030]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of uploading the task and forwarding the task to the local alias URL including forwarding a file to be uploaded to the remote non-local backend server in the system of Abdelnur, Vogel and Fanning as Tsai teaches so as to let user send files to other voluntarily.

Allowable Subject Matter

10. Claims 5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

Art Unit: 2137

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
5/27/05

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large, stylized "A" and "C".

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**